

REMARKS

The Applicants thank the Examiner for his examination of the present application and indication of allowability of claims 2-5 and 7.

This response adds new claims 8-17. Support for the new claims can be found, e.g., at pages 4-5 and Figures 3-6 of the present application. Upon amendment, this application will have 3 independent claims (claims 1, 8, and 13) and 17 total claims (claims 1-17). Thus, no fee for excess claims is necessary.

In section 4 of the Office Action, the Examiner rejects claims 1 and 6 under 35 USC 103(a) as being unpatentable over Applicant's Admitted Prior Art (hereinafter "AAPA"). These rejections are respectfully traversed.

AAPA does not disclose, teach, or suggest, inter alia, the following features of claim 1:

"a supporting plate **detachably** mounted in the housing";
and

"a division module **detachably** mounted in the housing, the division module having at least one passage connected to the filtering sleeve".

Regarding claim 1, the Examiner states that the bottom plate (22) in AAPA is read as a division module, since it divides the airflow entering the lower portion of the housing (20). The Examiner also asserts that making the support plate (21) and division module (22) separable from the housing

to facilitate repair or replacement would have been an obvious matter of design choice. The Applicants respectfully disagree.

AAPA discloses the top plate (21) and the bottom plate (22) are **permanently fixed** in the sand-filtering device (2) (see page 2 lines 6-12). In AAPA, the permanently-fixed top and bottom plates (21 and 22) cannot be separated from the housing. The repair has to be performed by loosening the lace (26), taking away the loosened lace (26) from the filtering sleeve (24), lifting the filtering sleeve (24) to separate the hook of the spring (23) from the top plate (21), and throwing away the filtering sleeve (24) (see page 2 lines 16-23).

As mentioned at page 2 of the specification, AAPA has the problem that sands adhere to the inner walls of the filtering sleeves and accumulate, so that the filtering sleeves need to be replaced every a few months. Replacing the filtering sleeves is an inconvenient and costly process. If it were so obvious to make the support plate and division module separable from the housing (and to solve the problem mentioned above), as the Examiner asserted, why would inventors had not been able to solve the problem earlier?

Under MPEP 2142, to reach a proper determination under 35 USC 103, the examiner must step backward in time and into the shoes worn by the hypothetical "person of ordinary skill in the art" when the invention was unknown and just before it was made. Knowledge of applicant's disclosure must be put aside in reaching this determination, yet kept in mind in order to determine the "differences". Impermissible hindsight must be avoided and

the legal conclusion must be reached on the basis of the facts gleaned from the prior art.

In many cases, an improvement or innovation that **appears to be very simple in afterthought** can be overlooked by the experts in the art for many years. The Applicants believe that the present invention is just one of such cases. Although the improvement over AAPA appears to be simple, it solves a problem in AAPA and greatly improves the efficiency of the device. The fact that experts in the field had not been able to solve such problem for many years indicates that the innovation of the present application is not obvious.

In short, the Applicants believe that the conclusion of obviousness is an **"impermissible hindsight"** from the Examiner because it is not based on the facts gleaned from the prior art, but only from the Examiner's conjecture. The Supreme Court has made it very clear that anything made by man under the sun is patentable. The Examiner is not permitted to ignore a limitation, asserting it to be obvious when the Examiner has no prior art document to support his contentions.

Due to the reasons stated above, the Applicants respectfully submit that claim 1 is patentable. Claims 2-7 are also patentable, at least by virtue of their dependency from claim 1.

Turning now to new independent claim 8, neither AAPA nor Vincent (French No. 686200, which is the prior art made of record and not relied upon) teach or suggest that a sand-filtering device for filtering sands

produced by a sandblast machine comprises "a removable filtering module, including a supporting plate and a division module detachably mounted to the housing, and at least a filtering sleeve connected between the supporting plate and the division module having at least one occludable passage connected to the filtering sleeve".

Regarding new independent claim 13, neither AAPA nor Vincent (French No. 686200, which is the prior art made of record and not relied upon) teach or suggest that a sand-filtering device for filtering sands produced by a sandblast machine comprises "a removable filtering module placed and a division module detachably mounted to the housing, and at least a filtering sleeve connected between the supporting plate and the division module, the division module having at least one passage connected to the filtering sleeve". It is therefore Applicant's belief that claims 8 and 13 are patentable over the cited references. Insofar as claims 9-12 and 14-17 depend from claim 8 or claim 13, they are also patentable.

The Applicants believe that all pending claims are patentable and reconsideration of this application is respectfully requested.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account No. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account

no. 12-0415.

Enclosed please find a copy of Troy Guangyu Cai's Notice of Limited Recognition under 35 CFR 10.9(b) to prepare and prosecute patent applications wherein the patent applicant is a client of Ladas & Parry, and the attorney of record in the applications is a registered practitioner who is a member of Ladas & Parry.

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(Date of Deposit)

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Respectfully submitted,



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